

# How Green Can You Go?

## Greening the Government Executive Orders: Affirmative Procurement and Responsible Purchasing



**2002 Region IV EPA/DoD/State  
Environmental Conference  
Atlanta, Georgia**

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Environmental Scientist**



**U.S. Army Center for Health Promotion and Preventive Medicine**

# Overview

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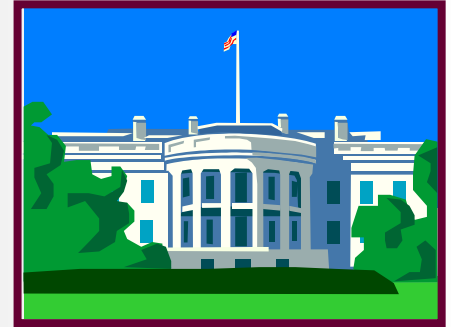


- White House Initiatives
- Greening the Government Executive Orders
- Affirmative Procurement (AP) and Responsible Purchasing
- Implementation of a Facility AP Program



# White House Initiatives

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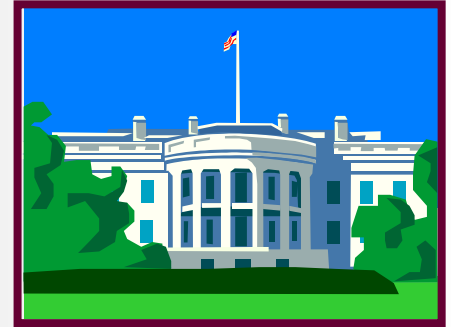


- President Bush named John L. Howard as Federal Environmental Executive (FEE)
  - FEE provides clear national direction for Federal agencies, tracks the government's progress and ensures compliance with EO 13101
  - FEE Chairs the White House Task Force on Greening the Government through Waste Prevention and Recycling



# White House Initiatives

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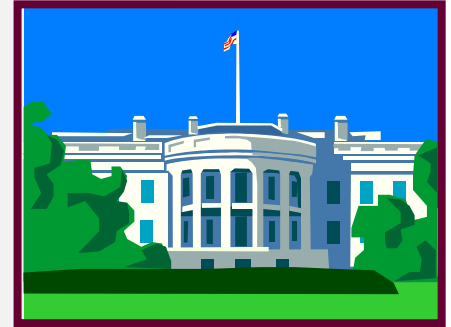


- White House Task Force on Recycling - Work Groups
  - Reporting and Tracking - Submitted draft report in April 2000 (Work Group Report on Streamlining and Improving Reporting and Tracking)
  - Training – Currently initiating work group for AP training for all federal agencies



# White House Initiatives

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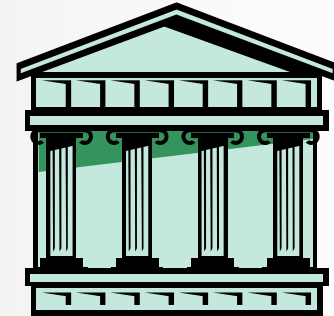


- President Bush signed the Farm Security and Rural Investment Act of 2002 (the Farm Bill) on 13 May 02
  - Title IX (Energy) makes federal agency procurement of biobased products **mandatory**
  - Guidelines (list of products) due 180 days from enactment (Nov 02)
  - Federal Agencies must begin procuring products one year from publication of the guidelines (Nov 03)



# Greening the Government Executive Orders

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- EO 13101, Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition, Sept 98
- EO 13123 Greening the Government Through Efficient Energy Management, June 99
- EO 13134, Developing and Promoting Biobased Products and Bioenergy, Aug 99
- EO 13148, Greening the Government Through Leadership in Environmental Management, April 00
- EO 13149, Greening the Government Through Federal Fleet and Transportation Efficiency, April 00
- EO 13150, Federal Workforce Transportation, April 00



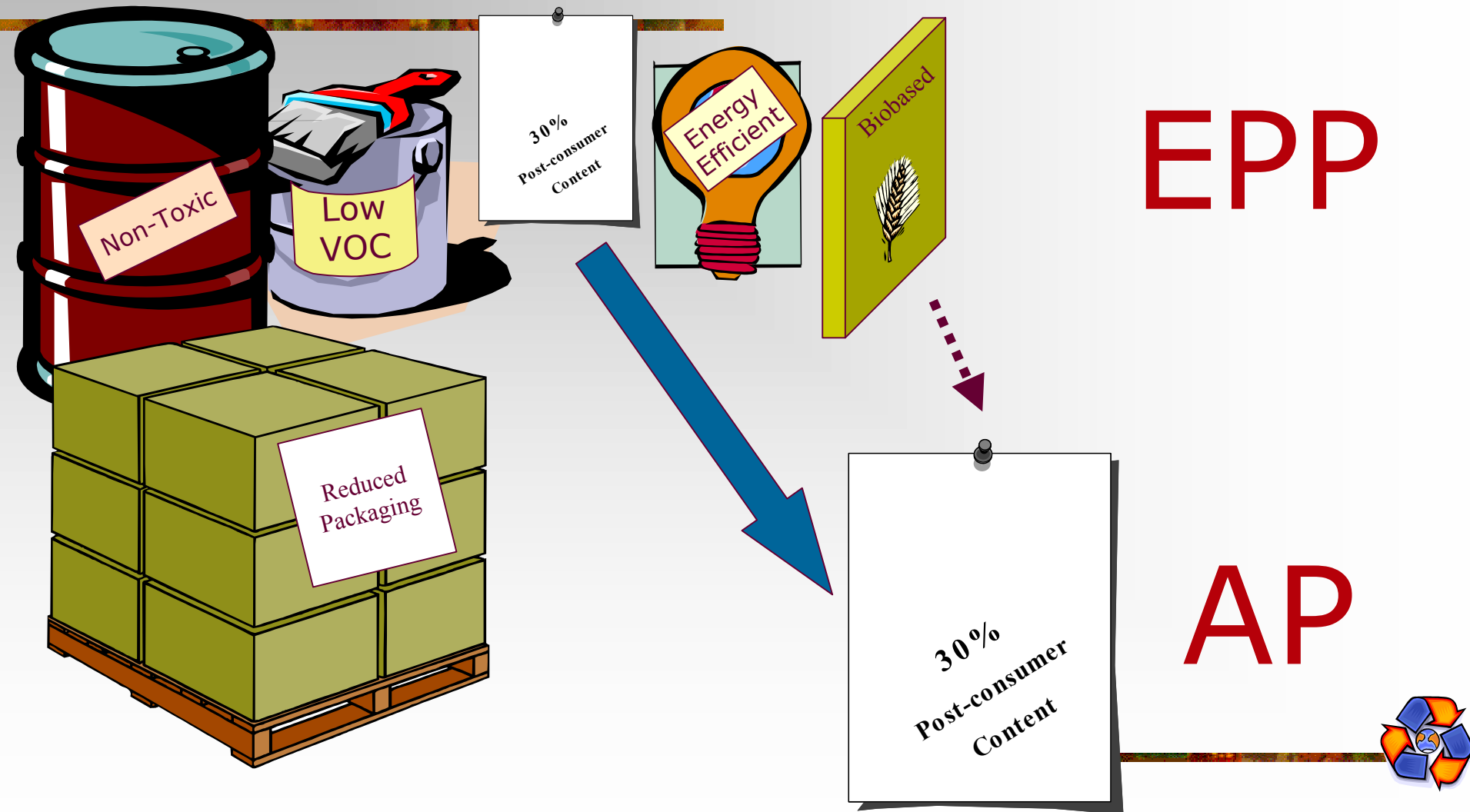
# EO 13101 – Greening the Government Through Waste Prevention, Recycling and Federal Acquisition (1998)



- Required Procuring Agencies to have AP programs
- Established White House Task Force to implement EO requirements
- Established Agency Environmental Executives at Assistant Secretary level
- Directed EPA to include AP in RCRA compliance inspections
- Required Agencies to provide AP training
- Required Agencies to develop reporting and tracking of AP purchases



# Affirmative Procurement vs. Environmentally Preferable Purchasing

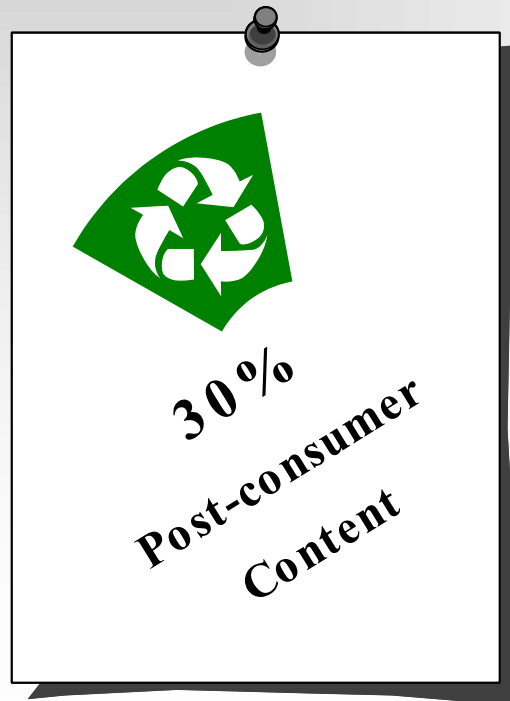




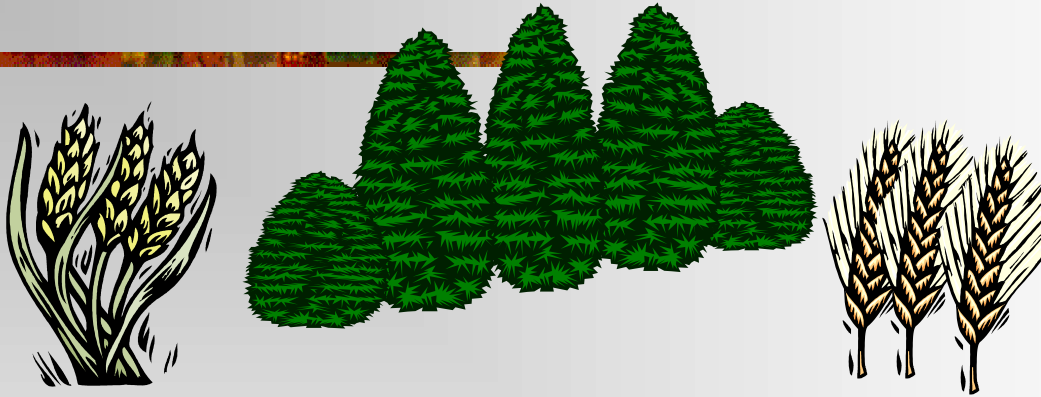
# Affirmative Procurement

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- The policy and practice of purchasing products made with recycled materials



# BIOBASED PRODUCTS



- Commercial or industrial products (other than food or feed) that utilize biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials



# Biobased Products

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## Examples:

- Soy-based inks and cleaners
- Corn-based ethanol cleaners
- Vegetable (canola) or seed-based lubricating oils
- Particle board made from kenaf (annual fibrous row crop), rice straw, or wheat straw
- Kenaf (tree-free) paper
- Sorbents made from cotton seed lint
- Biodiesel



# Responsible Purchasing

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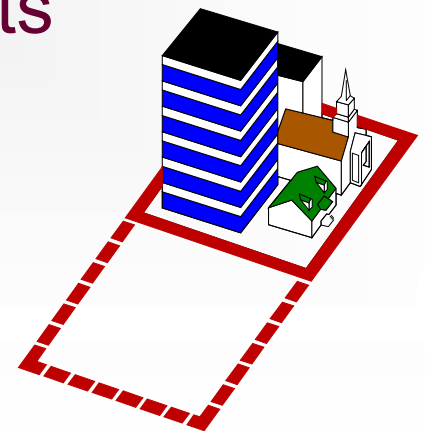
- EPP/Buying Green – Make Environment + Price + Performance your buying factors
- Energy Efficiency – Use Energy Efficient Products (EPA Energy Star Program)
- Sustainability –
  - Use strategies that maximize use of natural conditions and beneficial materials, while minimizing the impact on the environment



# Examples

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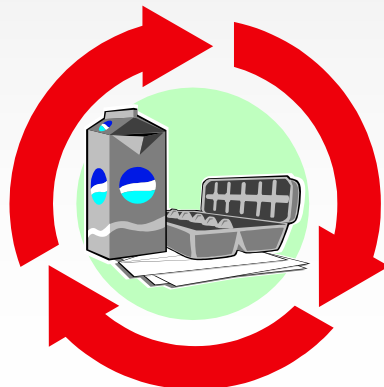
- Low-VOC paints, adhesives, sealants, caulks
- Biobased construction materials
- Manufacturer reclaimed ceiling tiles
- Beneficial landscaping practices
- Non-Toxic alternative cleaners and solvents
- Energy-efficient computers and electronics
- Low-flow toilets/flow-restricting faucets
- Low-Mercury Lighting
- Rapidly renewable products
- Recycled plastic carpet
- Non-CFC foam insulation



# Affirmative Procurement

WHEN  
**WHAT?**  
WHO  
WHY  
HOW

- An agency's strategy to maximize the purchase of designated products made with recovered materials...
- Consistent with price, performance and availability requirements
- (in other words...BUYING RECYCLED)



# Applicability

WHEN  
**WHO?**  
WHAT  
WHY  
HOW

## Procuring Agencies:



- Federal agencies, or any state agency or contractor using appropriated federal funds for a procurement, or in performance of the contract
- Applies to agencies spending more than \$10,000 annually on EPA-designated items
- DoD is considered a procuring agency



# Time Line

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WHAT  
**WHEN?**  
WHO  
WHY  
HOW

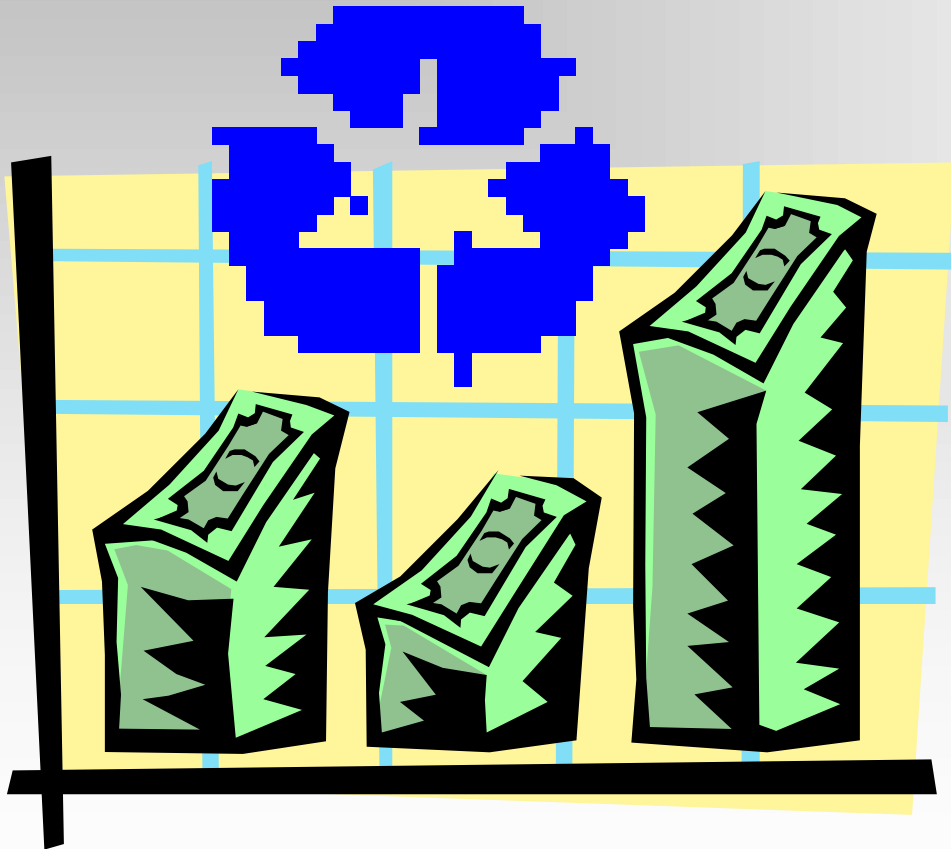
- Federal Agencies are required to purchase 54 designated products made with recovered materials... **NOW**
- EPA has been directed to continually propose new products (every 2 years)
- One year from the designation of new products, Agencies must incorporate the new products into their AP programs





# Affirmative Procurement

WHEN  
**WHY?**  
WHAT  
WHO  
HOW



The Federal government spends about \$200 billion on goods and services every year – and has put this buying power behind the country's recycling programs



# AP Benefits

- ✚ Creates recycling markets
- ✚ Saves energy
- ✚ Conserves resources
- ✚ Saves money
- ✚ Saves landfill space
- ✚ Reduces pollution
- ✚ Creates jobs
- ✚ Provides incentive for manufacturers to alter processes
- ✚ Promotes environmental stewardship



**Purchasing recycled products  
completes the recycling loop!**



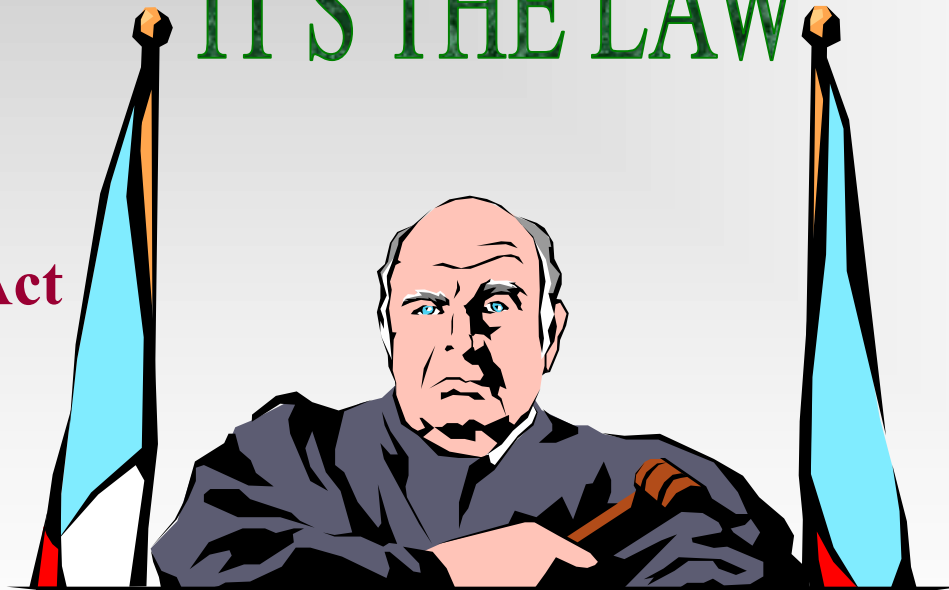
# Affirmative Procurement

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WHEN  
**WHY?**  
WHO  
WHAT  
HOW

Resource  
Conservation  
And Recovery Act

Federal  
Acquisition  
Regulations



Executive Order 13101

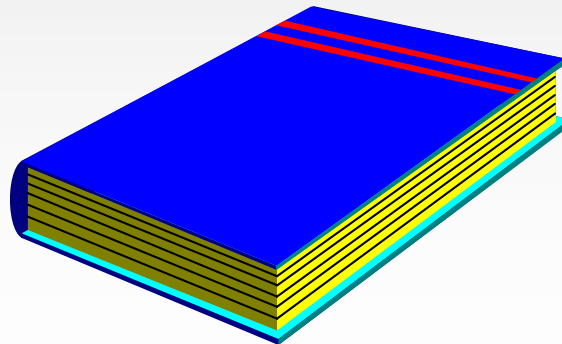
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# Resource Conservation and Recovery Act (RCRA), 1976

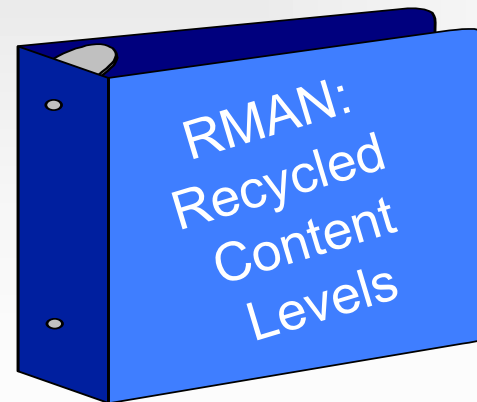
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- Section 6002 required EPA to publish guidelines for affirmative procurement and required procuring agencies to develop an AP program within 1 year of publication of the guidelines



# Comprehensive Procurement Guidelines (CPGs) and Recovered Materials Advisory Notices (RMANs)

- CPGs list the products that must contain recovered material
- RMANs provide minimum recovered material standards in the form of recycled-content ranges or management practices



# Federal Acquisition Regulations



- Subpart 23.4 – Use of Recovered Materials
  - Requires contractors to provide recycled-content products where identified in specifications. Written justification required for not meeting AP requirements



- Subpart 23.7 – Contracting for Environmentally Preferable and Energy Efficient Products and Services
  - Prescribes policies for obtaining EPP and energy efficient products and services, and requires consideration of biobased products



# There Are Exceptions...

- Designated items must be purchased made with recovered materials, unless:

PRICE



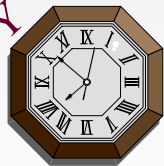
- The price of the recycled-content item is unreasonable, or

PERFORMANCE



- The performance of the recycled-content item is inadequate, or

AVAILABILITY



- The item is not available within a reasonable timeframe or at a sufficient level of competition



# EPA-Designated Product Categories

- Construction
- Landscaping
- Non-paper Office
- Paper and Paper Products
- Parks and Recreation
- Transportation
- Vehicular
- Miscellaneous



**There are 54  
products in all**

**11 new products  
proposed Aug 01**



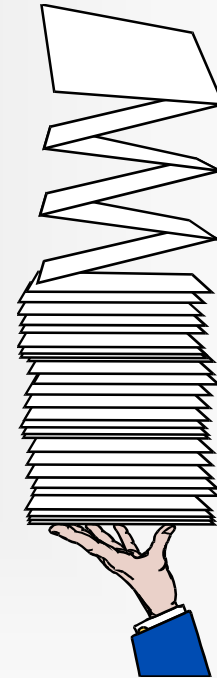


# PAPER AND PAPER PRODUCTS

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## DESIGNATED ITEMS:

- Commercial/industrial sanitary tissue products
- Miscellaneous papers
- Newsprint
- Paperboard and packaging products
- Printing and writing papers

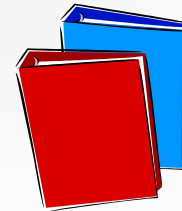


# NON-PAPER OFFICE PRODUCTS

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## DESIGNATED ITEMS:

- Binders (paper, plastic covered)
- Office recycling containers
- Office waste receptacles
- Plastic desktop accessories
- Plastic envelopes
- Plastic trash bags
- Printer ribbons
- Toner cartridges
- Solid plastic binders
- Plastic clipboards
- Plastic clip portfolios
- Plastic file folders
- Plastic presentation folders



# CONSTRUCTION PRODUCTS

## DESIGNATED ITEMS:

- Building insulation
- Carpet
- Cement and concrete
- Consolidated and reprocessed latex paint
- Floor tiles
- Laminated paperboard
- Patio blocks
- Shower and restroom dividers

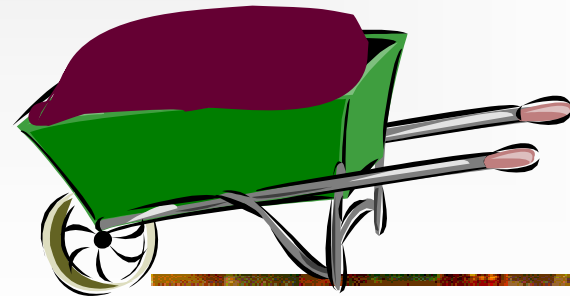
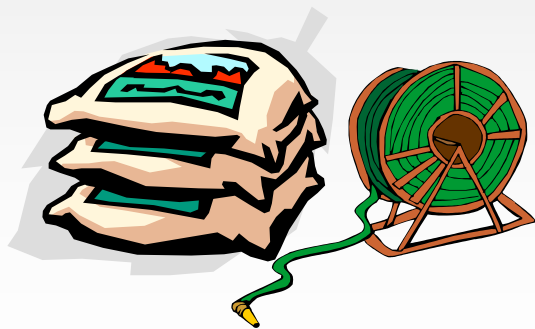
- Structural fiberboard
- Carpet cushion
- Flowable fill
- Railroad grade crossings/surfaces



# LANDSCAPING PRODUCTS

## DESIGNATED ITEMS:

- Garden and soaker hoses
- Hydraulic mulch
- Lawn and garden edging
- Yard trimmings compost
- Food waste compost
- Landscaping timbers and posts (plastic lumber)

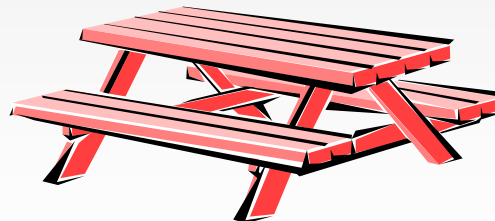


# PARK AND RECREATION PRODUCTS

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## DESIGNATED ITEMS:

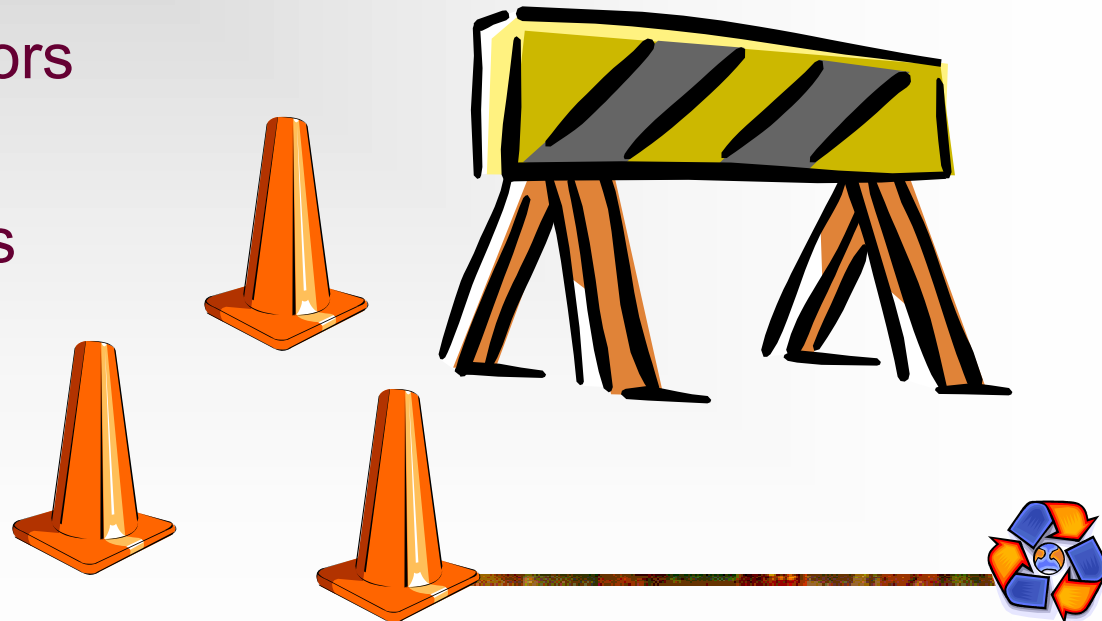
- Plastic fencing
- Playground surfaces
- Running tracks
- Park and recreational furniture
- Playground equipment



# TRANSPORTATION PRODUCTS

## DESIGNATED ITEMS:

- Channelizers
- Delineators
- Flexible delineators
- Parking stops
- Traffic barricades
- Traffic cones

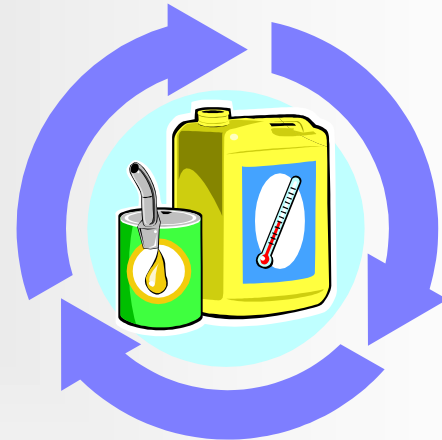


# VEHICULAR PRODUCTS

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## DESIGNATED ITEMS:

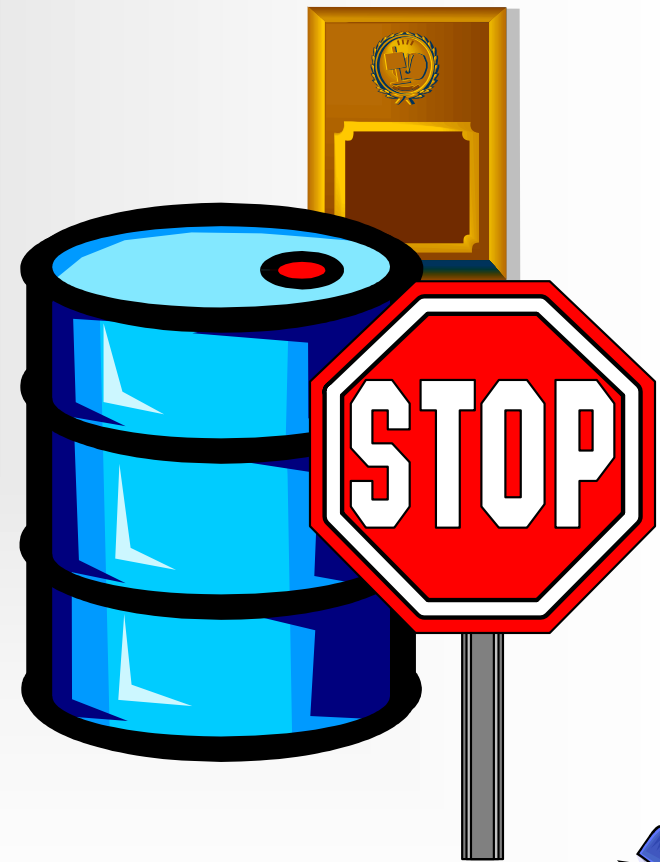
- Engine coolants
- Re-refined lubricating oils
- Retread tires



# MISCELLANEOUS PRODUCTS

## DESIGNATED ITEMS:

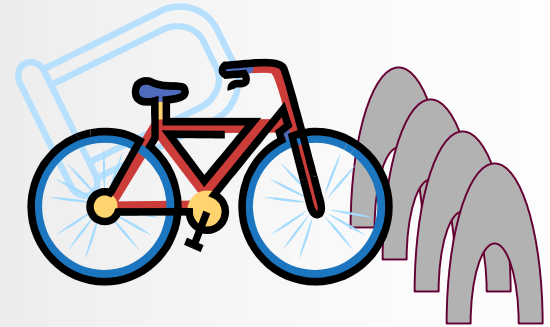
- Pallets
- Sorbents
- Awards and plaques
- Industrial drums
- Mats
- Signage, including supports
- Strapping and stretch wrap





# New Products Proposed Aug 01

- Bike Racks
- Blasting Grit
- Cement and Concrete containing Cenospheres
- Cement and Concrete Containing Silica Fume
- Modular Threshold Ramps



- Nonpressure Pipe
- Nylon Carpet and Carpet Backing
- Office Furniture
- Rebuilt Vehicular Parts
- Roofing Materials
- Tires



# Biobased Product Categories

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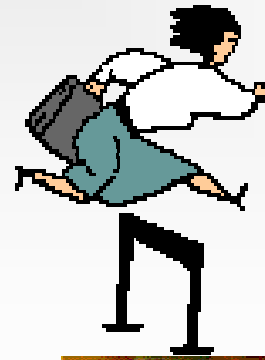
- Absorbents/Adsorbents
- Adhesives, Inks and Coatings
- Alternative Fuels and Additives
- Construction Materials
- Lubricants
- Paper/Packaging
- Solvents, Cleaners, and Surfactants
- Plastics and Films
- Landscaping Products
- Biocontrol and Bioremediation Media
- Fibers, Filler, Yarn, and Insulation
- Enzymes and Intermediate Chemicals
- Other



# AP IMPLEMENTATION

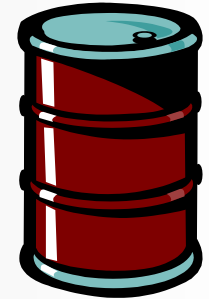
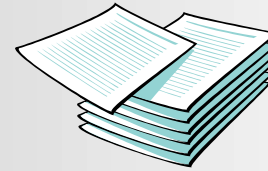
WHEN  
**HOW?**  
WHO  
WHY  
WHAT

- Challenges
- Six Key Steps
- What You Should Know About Compliance and Enforcement



# Challenges

- Diverse products
- Personnel Affected
  - Multitude of purchasers
  - Different organizational areas
- Lack of Control
  - Decentralized Purchasing
  - Use of credit cards
- Difficulty in Reporting



# Step 1: Get Command Support

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- Commander should:
  - Issue/endorse the AP policy
  - Appoint the AP Team Leader
  - Support installation AP efforts



# Step 2: Assign Responsibilities

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- Program Manager
- AP Team Members
  - Contracting
  - Logistics/Supply
  - Engineering/Planning
  - Environmental
  - Credit Card Administrator/Trainer



# Roles in Affirmative Procurement

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- Facility managers must promote AP programs
- Contracting/supply/personnel involved in all aspects of acquisition hold the huge purchasing power of the government
- Program/project personnel including product end users, those who develop specifications, and credit card users are critical to creating and stimulating recycling markets

- From White House Task Force Strategic Plan to Implement EO 13101



# Responsibilities



- “Technical or requirements personnel and procurement personnel are responsible for the preparation, implementation, and monitoring of affirmative procurement programs.” FAR 23.404(a)





# Bottom Line: Who Should Be Involved?

- ❧ Procurement/Contracting Officers
- ❧ Credit Card Users and Trainers
- ❧ Acquisition Program Personnel
- ❧ Logistics/Supply Personnel
- ❧ Directorate of Public Works
- ❧ Designers and Planners
- ❧ Environmental Office
- ❧ Office Assistants
- ❧ CORs/COTRs

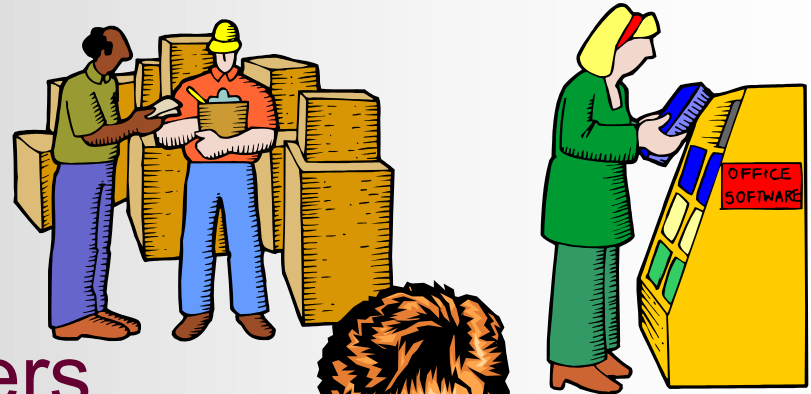


**"IF YOU BUY IT OR SPECIFY IT"**



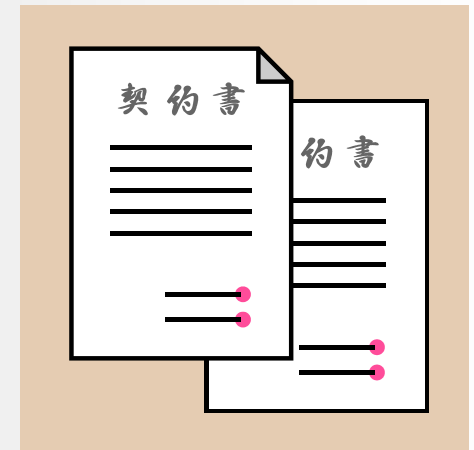
# Step 3: Identify Purchasing Mechanisms

- Contracts
- Credit Cards
- Logistics/Supply Orders
- Direct/Local Purchase
- Onpost Supply Store
- Online
- Federal Supply System



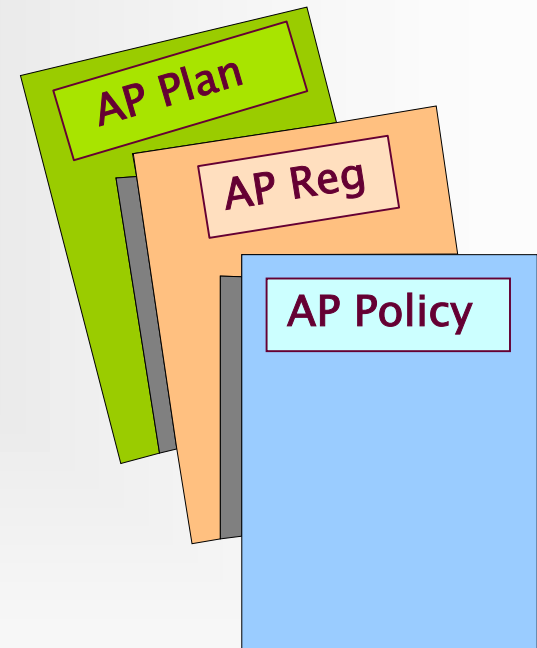
# What Actions Does AP Apply To?

- **Purchases** of EPA-designated items (CPG items)
- **Contracts for supplies** that include CPG items
- **Contracts for services that could include supplies** of CPG items. All designated products *used in support of work being performed under a contract* are subject to AP requirements (e.g., construction, janitorial services, fleet maintenance, contract printing)



# Step 4: Develop Policy and Documentation

- Installation Policy
- Installation Regulation
- Installation AP Plan



# Key Policy Issues

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- Goals and Objectives
- Justification for Exceptions
  - What is Unreasonable Price?
  - How is Performance Measured?
  - What is Reasonable Time Frame?
- Procedures for Written Justifications
- Approval Authority for Justifications



# Step 5: Provide Training and Promote AP

- Reach the personnel who actually purchase materials, create scopes of work and specifications, or administer the contracts



# Types of Training

- Command Briefing
- EQCC Presentation
- Onsite AP Training
- Internal Training of Contracting/Procurement Officers
- Incorporation of AP into Credit Card User Training, Manuals, and Inspection Checklists
- Federal Agency Training: Coming Soon



# AP Promotion



- Signs/Labels in Onpost Store
- Email Messages
- Bulletin Boards
- Incentive Programs
- Success Stories



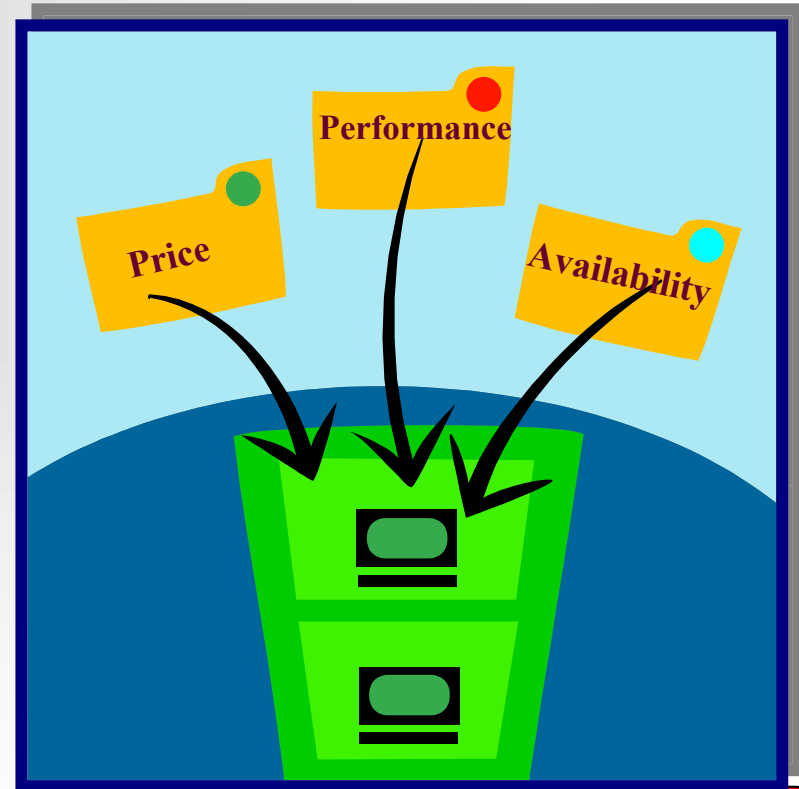
Base Store in Homestead ARB





# Step 6: Initiate Reporting & Recordkeeping Procedures

- Track AP in contracts
- Establish a file for written justifications when AP exceptions are used (for purchases >\$2,500)
- Keep records of training
- Provide data for agency reporting



# Proposed Reporting Scheme

White House Task Force Reporting Work Group, April 2000

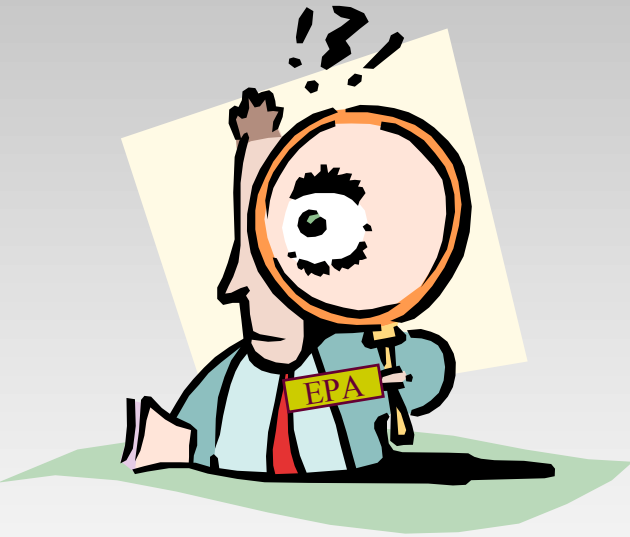


- \$ Central supply sources (GSA, DLA, GPO, TACOM) continue to report purchases *directly* to OFEE
- \$ Contract purchases reported at “contract level” (the *number of contracts* with the appropriate FAR clauses is reported) – using Form DD 350, 1 Oct 01 version
- \$ Credit card purchases not tracked or reported by the purchaser – but possibly by vendors and bank card companies



# AP Compliance

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- EO 13101 directed EPA to include AP in RCRA compliance inspections
  - Purpose of inspections was to “gather information” in FY 00
  - NOVs possible after FY 01
  - Many installations have already received pre-inspection questionnaires and/or inspections



# EPA Questionnaire

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- Sent to facility prior to field inspection
- Questionnaire contents:
  - Program Awareness
    - Environmental and Procurement Managers
  - Facility Procurement Policies
    - Written and Specific to Facility
    - Promoted to Facility Personnel
  - Vendor Notifications
  - Credit Card Purchases
    - Credit Card Users Informed
    - Records Kept for Purchases of Designated Items

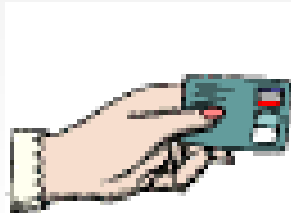


# EPA Inspection Target Areas



- Original Target: Motor Pools (vehicular products)

- Current Targets
  - Contracting
  - Credit Card Administrator



# EPA Inspection Questions

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- Annual use/purchase of CPG product
- How much purchased with recovered materials
- Are requirements reflected in contracts/agreements
- Is there awareness of requirements
- Reasons/barriers for not using compliant products
- Purchases of product made with credit card



# For More Information...

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- EPA (AP) - [www.epa.gov/cpg](http://www.epa.gov/cpg)
- EPA (EPP) - [www.epa.gov/oppt/epp](http://www.epa.gov/oppt/epp)
- OFEE - [www.ofee.gov](http://www.ofee.gov)
- CHPPM - [chppm-www.apgea.army.mil/GWSWP/SolidWaste/Affirmpro.htm](http://chppm-www.apgea.army.mil/GWSWP/SolidWaste/Affirmpro.htm)
- AFCEE - [www.afcee.brooks.af.mil/](http://www.afcee.brooks.af.mil/)



# Will We Be Ready?

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For More Information  
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